

IC 31-21-3

Chapter 3. Procedural Considerations

IC 31-21-3-1

Binding nature of child custody determination

Sec. 1. A child custody determination made by an Indiana court that has jurisdiction under this article binds each person who has:

- (1) been served with notice in accordance with Indiana law;
 - (2) been notified in accordance with section 3 of this chapter;
- or

- (3) submitted to the jurisdiction of the court;

and who has been given an opportunity to be heard. A child custody determination described in this section is conclusive as to the decided issues of law and fact except to the extent the determination is modified.

As added by P.L.138-2007, SEC.45.

IC 31-21-3-2

Question of existence or exercise of jurisdiction priority

Sec. 2. If a question of existence or exercise of jurisdiction under this article is raised in a child custody proceeding, the question, on a request of a party, must be given priority on the court's calendar and handled expeditiously.

As added by P.L.138-2007, SEC.45.

IC 31-21-3-3

Notice for exercise of jurisdiction to a person outside Indiana

Sec. 3. (a) Notice required for the exercise of jurisdiction when a person is outside Indiana may be given in a manner prescribed by:

- (1) Indiana law for service of process; or
- (2) the law of the state in which the service is made.

Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

- (b) Proof of service may be made in the manner prescribed by:

- (1) Indiana law; or
- (2) the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

As added by P.L.138-2007, SEC.45.

IC 31-21-3-4

Party to a child custody proceeding not subject to other proceedings in Indiana

Sec. 4. A party to a child custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child custody determination, is not subject to personal jurisdiction in Indiana for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

As added by P.L.138-2007, SEC.45.

IC 31-21-3-5

Persons subject to personal jurisdiction not immune to service of process

Sec. 5. A person who is subject to personal jurisdiction in Indiana on a basis other than physical presence is not immune from service of process in Indiana. A person present in Indiana who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

As added by P.L.138-2007, SEC.45.

IC 31-21-3-6

Limited immunity

Sec. 6. The immunity granted by section 4 of this chapter does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this article committed by an individual while present in Indiana.

As added by P.L.138-2007, SEC.45.